



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 4858-99
11 January 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 5420 PERS 862 of 5 November 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Also, your Final Multiple Score of 202.67 from the February 1998 Exam did not meet the Final Multiple Cut of 208.42 required to be advanced from the August 1997 Exam. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-862
NOV 5 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) Assistant for BCNR Matters 5420 (PERS-00ZCB) Memo of
25 Oct 99
(b) BUPERSINST 1430.16D

Encl: (1) BCNR File #04858-99 w/Microfiche

1. Per reference (a), the following comments and recommendations are submitted concerning Petty Officer [REDACTED] case.
2. Per reference (b), reserve examinations for advancement in rate are administered during the entire month of August. [REDACTED] petition offers no evidence to support the claim she was denied the opportunity to participate in the August 1997 (Cycle 061) examination. BCNR action to change her effective date of rate based on available information provided would be inappropriate.
3. In view of the above, we recommend Petty Officer [REDACTED] petition be denied.


G. S. MCGRATH
By direction